

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SHERALD DWIGHT DANIELS,

Petitioner,

v.

Case No.: 2:19-cv-134-FtM-38NPM

BRIAN DOBBS,

Respondent.

\_\_\_\_\_ /

**OPINION AND ORDER**<sup>1</sup>

Before the Court is the case file. Petitioner Sherald Dwight Daniels has instituted this habeas action under [28 U.S.C. § 2241](#) on the basis that he is entitled to early release under the Elderly Offender Home Detention Program of the First Step Act of 2018. ([Cv. Doc. 1](#)).<sup>2</sup> Specifically, Daniels states Respondent failed to act on his motion for relief for early release under [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#). ([Cv. Doc. 1 at 2](#)). For the following reasons, Daniels' Petition is dismissed.

On September 18, 2019, the Court directed Petitioner to either pay the Court's \$5.00 filing fee or move to proceed *in forma pauperis* within thirty days of the Order. ([Cv. Doc. 7](#)). The Court warned Petitioner that not submitting the filing fee or motion to proceed *in forma pauperis* would result in the Court dismissing the case without further notice. ([Cv. Doc. 7 at 1](#)). To date, Petitioner has neither complied with the Court's Order,

---

<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

<sup>2</sup> The Court will refer to the civil case docket as "Cv. Doc." and the underlying criminal docket, 2:05-cr-00021-VMC-SPC-5, as "Cr. Doc."

nor asked for more time to do so. The Court thus dismisses this case per its Order ([Cv. Doc. 7](#)) and [Middle District of Florida's Local Rule 3.10\(a\)](#) on failing to prosecute a suit.

Additionally, it seems the relief Petitioner requests in his [28 U.S.C. § 2241](#) petition may have been granted. A review of Daniels' underlying criminal Judgment shows the Court sentenced him to 200 months of imprisonment. ([Cr. Doc. #204 at 2](#)). This would have resulted in an estimated release date of October 2022. The Federal Bureau of Prisons website, however, states Daniels has an earlier release date of April 2020.<sup>3</sup> As a result, it appears Respondent acted on Daniels' motion for relief and, therefore, his Petition is moot.

In the abundance of caution, should Daniels believe his Petition is not moot, he may file for relief under [28 U.S.C. § 2241](#) in the Southern District of Florida where venue is proper.<sup>4</sup> See [28 U.S.C. § 2241\(d\)](#); [Fernandez v. United States](#), 941 F.2d 1488, 1495 (11th Cir. 1991) ("Section 2241 petitions may be brought only in the district court for the district in which the inmate is incarcerated.").

Accordingly, it is now

**ORDERED:**

1. Petitioner Sherald Daniels' Petition for a Writ of Habeas Corpus Under [28 U.S.C. § 2241](#) ([Cv. Doc. 1](#)) is **DISMISSED**.
2. The Clerk is directed to terminate any pending motions and deadlines and close the case file.

---

<sup>3</sup> The website is located at: <https://www.bop.gov/inmateloc/>.

<sup>4</sup> At the time Daniels instituted this action, he was incarcerated at a Federal Correctional Institution in Miami, Florida. ([Doc. 1 at 1](#)). He is currently held in a Miami Residential Reentry Management field office.

3. The Clerk is further directed to send Petitioner a copy of the forms for filing a petition under [28 U.S.C. § 2241](#) and a motion to proceed *in forma pauperis* with a copy of this Order.

**DONE** and **ORDERED** in Fort Myers, Florida this 15th day of January, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record